

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PATRICIA MEDINA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:21-cv-01441-SAB

ORDER REQUIRING PLAINTIFF TO FILE A
PETITION FOR APPOINTMENT OF
GUARDIAN AD LITEM

(ECF No. 1)

FOURTEEN DAY DEADLINE

On September 27, 2021, Patricia Medina filed this action on behalf of Plaintiff I.I.M. (“Plaintiff”), a minor, seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.)

Federal Rule of Civil Procedure 17 provides that a suit by a minor may be brought or defended by “(A) a general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary.” Fed. R. Civ. P. 17(c)(1). A minor who does not have a duly appointed representative may sue by next friend or a guardian ad litem. Fed. R. Civ. P. 17(c)(2). Further, the Local Rules of the Eastern District of California state:

Upon commencement of an action or upon initial appearance in

1 defense of an action by or on behalf of a minor or incompetent
2 person, the attorney representing the minor or incompetent person
3 shall present (1) appropriate evidence of the appointment of a
4 representative for the minor or incompetent person under state law
5 or (2) a motion for the appointment of a guardian ad litem by the
6 Court, or, (3) a showing satisfactory to the Court that no such
7 appointment is necessary to ensure adequate representation of the
8 minor or incompetent person. See Fed. R. Civ. P. 17(c).

9 E.D. Cal. L.R. 202(a).

10 This action is brought on behalf of a minor and there has been no petition for the
11 appointment of a guardian ad litem filed. Accordingly, IT IS HEREBY ORDERED that, within
12 **fourteen (14) days** from the date of entry of this order, Plaintiff shall file evidence that the
13 representative has been appointed under state law or a motion for appointment of a guardian ad
14 litem that meets the requirements of Local Rule 202.

15 IT IS SO ORDERED.

16 Dated: September 29, 2021



UNITED STATES MAGISTRATE JUDGE